

## San Francisco Police Department

## INCIDENT REPORT

190068994

Report Type: Initial

I N C I D E N T	Incident Number 190-068-994	Occurrence From Date / Time 01/28/2019 09:13	Occurrence To Date / Time	Reported Date / Time 01/28/2019 09:13	CAD Number 190280937	
	Type of incident TRESPASSING 27195					
	Location of Occurrence: 101 CALIFORNIA ST		At Intersection with/Premise Type MISC. BUILDING OR STORE		District CENTRAL	
	Confidential Report? <input type="checkbox"/>	Arrest Made? <input checked="" type="checkbox"/>	Suspect Known? <input type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Non-Suspect Incident? <input type="checkbox"/>	Domestic (Type of Weapon Used) Violence? <input type="checkbox"/>
	Location Sent / On View: 101 CALIFORNIA ST		At Intersection with		Reporting District CENTRAL	
Crime and Clearance Status 6		Reported to Bureau	Name	Star	Date/ Time	
		Elder Victim <input type="checkbox"/>	Gang Related? <input type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>	Prejudice Based? <input type="checkbox"/>	
Have you reviewed the attached list of procedures required by Department General Order (DGO) 7.04? Yes						

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O F F I C E R I N F O R M A T I O N	I declare under penalty of perjury, this report of 3 pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.				
	PROP 115 CERTIFIED 5 Year/Post				
	Reporting Officer SANTANA, GEORGE B	Star 217	Station Central Station	Watch 0800-1800	Date 01/28/19 16:16
	Reviewing Officer TOOMEY, WILLIAM K	Star 1262	Station Central Station	Watch 1500-0100	Date 01/28/19 16:16
	OIC TOOMEY, WILLIAM K	Star 1262	Station Central Station	Watch 1500-0100	Date 01/28/19 16:17
Related Case --	Related Case --	Re-assigned to Copies to 3*300	Assigned to 3*300 Add'l Copies	Assigned by GS 217	

R / 1  V I C T I M	Code R/V 1	Name (Last, First Middle) [REDACTED]		Alias		Email	
	Day Phone	Type	Home Address		City	State	Zip Code
	Night Phone	Type Work	Work Address [REDACTED]		City SAN FRANCISCO	State CA	Zip Code -
	DOB / Age [REDACTED] 37	DOB Unk. <input type="checkbox"/>	or age between and	Race W	Sex F	Height 5'9	Weight 150
				Hair Color BLN	Eye Color BLU	ID Type	Jurisd. ID No.
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	Follow-up Form YES <input checked="" type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>	Relationship to Subject KNOWN
	School (if Juvenile)	Injury/Treatment		Other Information/If Interpreter Needed Specify Language BUILDING MANAGER 101 CALIFORNIA ST.			
Interpreter Needed <input type="checkbox"/>	Language	Language Description(if Other)		Language Line Service/Interpreter ID#	Bilingual Ofc Star#		

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C I T I D	Code C 1	Name (Last, First Middle) [REDACTED]				Alias				Email										
	Day Phone [REDACTED]		Type Cell		Home Address [REDACTED]			City CASTRO VALLEY			State CA		Zip Code 94546-							
	Night Phone		Type		Work Address			City			State		Zip Code							
	DOB Unknown <input type="checkbox"/>		Date of Birth [REDACTED]		Age 39		or age between and		Race W		Sex M		Height 5'11		Weight 180		Hair Color BRO		Eye Color BLU	
	SFNO		J/D# (if Juvi)		ID Type/Jurisdiction/Number [REDACTED]			ID Type/Jurisdiction/Number			ID Type/Jurisdiction/Number									
	Booking Charge(s)								Booking Location											
	Warrant #		Court#		Action#		Dept#		Enroute to											
	Warrant Violation(s)										Bail (\$)									
	Citation# [REDACTED]		Violation(s) 602(M) PC						Appear Date/time 04/10/2019 09:00		Location of Appearance 850 Bryant St #475									
	<input type="checkbox"/> CA Form Booked Copy Attached		Mirandized: Star <input type="checkbox"/>			Date Time			CWB Check MYLES			Star 77								
Book/Cite Approval SGT CHAN		Star 1439		Mass Arrest Code		M X-Rays <input type="checkbox"/>		School (if Juvenile)				Statement <input type="checkbox"/>								
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos																				
Interpreter Needed <input type="checkbox"/>		Language		Language Description(if Other)				Language Line Service/Interpreter ID#				Bilingual Ofc Star#								

  

P R O P E R T Y	Code/No EVD 1	Item Description CITIZEN'S ARREST FORM					Brand		Model					
	Serial No.		Gun Make		Caliber		Color		Narcotics Lab No.		Quantity 1		Value	
	Seized by (Star) 4295			From Where 101 CALIFORNIA ST.										
	Additional Description/Identifying Numbers Citizen's arrest form signed by Funkhouser.													

  

P R O P E R T Y	Code/No BWC 1	Item Description BODY WORN CAMERA					Brand		Model AXON BODY 2					
	Serial No.		Gun Make		Caliber		Color		Narcotics Lab No.		Quantity 1		Value	
	Seized by (Star)			From Where										
	Additional Description/Identifying Numbers Body worn camera footage uploaded to evidence.com by star 4295 at Co A.													

## **NARRATIVE**

On 01/28/2018 at 0913 hours I was dispatched I was dispatched to [REDACTED] regarding trespassing.

Prior to our arrival I read the CAD and believed this was an issue related to case number [REDACTED] and case number [REDACTED]. In these previous reports, the issue is that protesters in the plaza at [REDACTED] have refused to leave. This outdoor plaza at [REDACTED] is part of [REDACTED] property. The property manager wanted the protesters to move from the plaza and onto the sidewalk. They have refused to leave the plaza and the leader of the group (C1) [REDACTED] has been cited for trespassing.

I activated my (BWC1) body worn camera upon my arrival. Officer Latimore #207 and Officer Campbell #1149 (3A12A) were on scene prior to my arrival.

As I walked into the plaza I immediately recognized [REDACTED] and contacted him. [REDACTED] relayed to me the same general information that I described above from the previous two incidents.

I contacted (R/V1) [REDACTED] the property manager for [REDACTED]. [REDACTED] told me the following in essence: The group of approximately five protestors located in the plaza, directly in front of the building, had refused to move to the sidewalk. [REDACTED] told me that if the protestors refused to move to the sidewalk she wanted [REDACTED] and only [REDACTED] cited for trespassing.

The group of protestors consisted of approximately five people, two large signs with text on them, along with a thumbs down sign, and a Grim Reaper character. These protestors were peacefully passing out flier to anyone that wanted one. They were not being aggressive, blocking any doorways, chanting, or causing any ruckus.

I walked into the plaza and spoke with [REDACTED] and informed him of the situation. [REDACTED] showed Officer Latimore, Officer Campbell and myself a laminated sheet of paper with text on both sides. The laminated sheet of paper had text that covered case law related to first amendment rights specifically areas where protests were not prohibited. All three of us read this laminated piece of paper and found nothing in the text that definitively supported [REDACTED] claim that he had a right to protest in [REDACTED] plaza area.

I contacted Sgt. Chan #1439 to inform him of the situation. Later, Sgt. Chan and Lt. Farmer #489 arrived on scene. Lt. Farmer, Sgt. Chan #1439, Officer Latimore and I went over the information that we had at hand. Lt. Farmer and Sgt. Chan came to the conclusion that if [REDACTED] and the protestors refused to move to the sidewalk, and [REDACTED] was willing to sign a citizen's arrest form, [REDACTED] would be cited for 602(M) PC trespassing.

I explained the actions that I would take to [REDACTED] and he informed me that he would not move without the citation.

[REDACTED] signed a (E1) citizen's arrest form for [REDACTED]. I provided [REDACTED] with a follow up form.

Officer Latimore contacted Myles #77 at CWB who said [REDACTED] had no wants or warrants.

With the approval of Sgt. Chan, [REDACTED] was cited and released for 602(M) trespassing.

Upon receiving his citation [REDACTED] instructed the other protestors to move to the sidewalk. The protestors moved to the sidewalk and continued to protest.

I booked (E1) at Co A as evidence and uploaded (E1) into this report.